REMARKS

This Amendment is in response to the premature Final Office Action dated September 16, 2010. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. ENTRY OF AMENDMENTS IS RESPECTFULLY REQUESTED

Since the present rejections should not have been made final, Applicants respectfully request the above amendments be entered. Applicant refers the Examiner to Applicant's Request for Withdrawal of Finality filed with the present response.

Even if the finality is not withdrawn, the above amendments are made to address rejections under only §112 and suggestions by the Examiner on page 2 of the Office Action, and are not based on any prior art rejection. Thus the amendments should not require significant consideration or necessitate a new search regarding prior art.

II. CLAIM REJECTIONS UNDER U.S.C. §112

Claims 19 -27 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In order to overcome the Examiner rejections about the expressions "*the value*" and "*for which the value*", claim 19 and the other independent claims have been amended.

In addition, the insufficient antecedent basis of claim 21 has been overcome by amending claim 21.

III. CLAIM REJECTIONS – U.S.C. §102

Claims 19 -27 were rejected under 35 U.S.C. §102(b), as being allegedly anticipated by Laroia et al., EP 1148673 (LAROIA).

The Applicant does not agree with rejection of claims 19 to 27 as being anticipated by LAROIA.

Indeed, the main goal of LAROIA is to permit an identification of the emitting base station, based on the pilot pattern. According to LAROIA, "the base station *identification problem is for the mobile user unit 503 to estimate the slope* $s \in S$, *of the strongest received pilot*

signal", (paragraph [0020]). LAROIA implements **first** the pattern determination, **then** the base station identification.

On the contrary according to an example of the Applicant's specification, the emitter identification is based on **a control information transmission signal, and only after this identification,** the determination of the pattern used by the emitter is implemented (see page 13, lines 17-20. and page 15, lines 6-9 and 17-22 of the U.S. specification). As a consequence, the emitter identification that is based on a control information transmission signal **is a preliminary condition, which is used later** for the pattern determination.

Thus, LAROIA is different from the Applicant's invention recited in claim 19, for example, because it does not disclose a step of identifying the base station using a **control information** transmission signal, followed by a step of determining the pilot pattern used by the **identified** base station.

In addition, LAROIA does not disclose that only one pilot can be received by the mobile terminal from the different base stations, at a given time and at a given frequency.

Indeed, the main goal of LAROIA is to permit an identification of the emitting base station, based on the pilot pattern, and not to reduce the interferences between pilots.

Consequently, LAROIA does not anticipate the invention recited in independent claim 19 or in the other independent claims 25-27.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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